



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

JMP
Docket No: 2699-22
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED] [REDACTED]
[REDACTED] USMC

Ref: (a) 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/enclosures
(2) Administrative Remarks (Page 11) counseling entry of 12 Dec 14
(3) [REDACTED] LMS letter of 18 Aug 21

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting his naval record be corrected by removing the Administrative Remarks (Page 11) counseling entry at enclosure (2).

2. The Board, consisting of [REDACTED] and [REDACTED], reviewed Petitioner's allegations of error and injustice on 26 May 2022, and pursuant to its regulations, determined the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy.

b. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the applications on their merits.

c. Petitioner was issued a Page 11 entry on 12 December 2014 counseling him for demonstrating insubordinate conduct towards a Staff Noncommissioned Officer (SNCO) by verbally and physically disrespecting the SNCO. See enclosure (2).

d. Petitioner contends enclosure (2) is in error and, per his conversation with the Commanding Officer (CO) that issued the Page 11 counseling, should be removed. In support of his contention, Petitioner submitted enclosure (3), a letter from the issuing CO requesting removal of the counseling entry. Specifically, the CO stated that after reviewing the incident, he would like Petitioner to be exonerated of the wrongdoing because Petitioner's actions should have been corrected via informal counseling and not a 6105 counseling entry.

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CONCLUSION

Upon review and consideration of all the evidence, the Board concluded Petitioner's request warrants relief. In this regard, while the Board found no error with the counseling, relying on enclosure (3), concluded it was in the interest of justice to remove the 12 December 2014 counseling entry.

RECOMMENDATION

In view of the above, the Board directs the following corrective action.

Petitioner's naval record be corrected by removing enclosure (2), the 6105 counseling entry of 12 December 2014.

That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's record, and that no such entries or material be added to the record in the future. This includes, but is not limited to, all information systems or database entries that reference or discuss the expunged material.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

6/17/2022

[REDACTED]

Executive Director

[REDACTED]